

# **Exhibit 23**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - MIDDLESEX COUNTY

VALERIE JO DALIS )  
and NICHOLAS J. DALIS, )  
Plaintiffs, )  
vs. ) No. MID-L-4821-15AS  
BRENNTAG NORTH AMERICA, INC. )  
(sued individually and as )  
successor-in-interest to )  
MINERAL PIGMENT SOLUTIONS, INC.)  
as successor-in-interest to )  
WHITTAKER, CLARK & DANIELS, )  
INC.) et al., )  
Defendants. ) (Pages 1 - 229)

Certified Transcript



VIDEOTAPED DEPOSITION OF

VALERIE JO DALIS

Thursday, September 10, 2015

Reported by: CATHERINE M. MEYER

CA CSR No. 11596, RPR

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2 LAW DIVISION - MIDDLESEX COUNTY  
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as successor-in-interest to )  
11 WHITTAKER, CLARK & DANIELS, )  
INC.) et al., )  
12 )  
Defendants. )  
13 \_\_\_\_\_ )

16 Videotaped Deposition of VALERIE JO DALIS,  
17 taken on behalf of Defendants, at 1727 Technology Drive,  
18 San Jose, California, commencing at 10:21 a.m.,  
19 Thursday, September 10, 2013, before CATHERINE M. MEYER,  
20 Certified Shorthand Reporter for the State of California  
21 No. 11596, RPR.

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1 APPEARANCES:

2

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9  
10 Also Present:  
11           Jason Saylor, CLVS, videographer

7 Also Present:

8 Jason Sayler, CLVS, videographer

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1 I N D E X

2

3 DEPONENT: EXAMINATION PAGE:

4 VALERIE JO DALIS BY MS. SHAW 8, 211

5 BY MR. CORRISTON 206

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7

8 INFORMATION TO BE SUPPLIED

9 (None.)

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11

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13 QUESTIONS INSTRUCTED NOT TO ANSWER

14 (None.)

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16

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18 MARKED PORTIONS

19 (None.)

<p>Page 6</p> <p>1 I N D E X (continued):</p> <p>2</p> <p>3 E X H I B I T S</p> <p>4 MARKED PAGE:</p> <p>5 EXHIBIT 1 MEDICAL REPORT DATED 184</p> <p>6 JUNE 29, 2015</p> <p>7 (2 pages)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 8</p> <p>1 Jose, California on behalf of the defendants. The</p> <p>2 court reporter is Cathy Meyer of iDepo Reporters.</p> <p>3 Counsel and all present will state their</p> <p>4 appearances and the court reporter will administer</p> <p>5 the oath.</p> <p>6 MS. KAGAN: Leah Kagan, Simon Greenstone</p> <p>7 Panatier Bartlett, for the plaintiff.</p> <p>8 MR. KESSLER: Andrew Kessler, Hoagland,</p> <p>9 Longo, Moran, Dunst &amp; Doukas on behalf of Cypress.</p> <p>10 MR. MARTINEZ: Good morning. Reynold</p> <p>11 Martinez for Defendant Whittaker, Clark &amp; Daniels.</p> <p>12 MS. SHAW: And Meredith Shaw with Quinn</p> <p>13 Emanuel Urquhart &amp; Sullivan here for</p> <p>14 Colgate-Palmolive Company.</p> <p>15 THE VIDEOGRAPHER: And people on the phone</p> <p>16 participating, please?</p> <p>17 MR. CORRISTON: Yes. Timothy Corriston,</p> <p>18 Connell Foley on behalf of Con-Air Corporation.</p> <p>19 THE VIDEOGRAPHER: The court reporter will</p> <p>20 please administer the oath.</p> <p>21</p> <p>22 EXAMINATION</p> <p>23 BY MS. SHAW:</p> <p>24 Q. Good morning, again, ma'am. Again, my</p> <p>25 name is Meredith Shaw, and I'm going to be asking</p>
<p>Page 7</p> <p>1 SAN JOSE, CALIFORNIA</p> <p>2 THURSDAY, SEPTEMBER 10, 2015</p> <p>3 10:21 a.m.</p> <p>4 -o0o-</p> <p>5</p> <p>6 VALERIE JO DALIS,</p> <p>7 called as a deponent and sworn in by</p> <p>8 the deposition officer, was examined</p> <p>9 and testified as follows:</p> <p>10 -o0o-</p> <p>11</p> <p>12 THE VIDEOGRAPHER: We are now recording</p> <p>13 and on the record. My name is Jason Saylor. I am</p> <p>14 a certified legal video specialist for iDepo</p> <p>15 Reporters. Our business address is 898 North</p> <p>16 Sepulveda Boulevard, Suite 750, El Segundo,</p> <p>17 California 90245. Today is September, the 10th,</p> <p>18 2015, and the time is 10:21 a.m.</p> <p>19 This is the deposition of Valerie Jo</p> <p>20 Dalis, volume number one, in the matter of Valerie</p> <p>21 Jo Dalis, et al., Plaintiff, vs. Brenntag North</p> <p>22 America, et al., Defendants in Superior Court of</p> <p>23 New Jersey, Law Division, Middlesex County, docket</p> <p>24 number MID-L-4821-15AS. This deposition is being</p> <p>25 taken at 1727 Technology Drive in the city of San</p>	<p>Page 8</p> <p>1 you some questions today.</p> <p>2 Could you state your name for the record.</p> <p>3 A. Valerie Jo Dalis.</p> <p>4 Q. Did you have a maiden name?</p> <p>5 A. Yes.</p> <p>6 Q. What was your maiden name?</p> <p>7 A. Garcia.</p> <p>8 Q. And was that Valerie Jo Garcia?</p> <p>9 A. Yes.</p> <p>10 Q. What was your date of birth?</p> <p>11 A. [REDACTED]</p> <p>12 Q. By [REDACTED] you mean [REDACTED]?</p> <p>13 A. Yes.</p> <p>14 Q. What's your current address?</p> <p>15 A. [REDACTED]</p> <p>16 Q. Is that a single-family home?</p> <p>17 A. Yes.</p> <p>18 Q. How long have you lived at [REDACTED]?</p> <p>19 A. About three or four years.</p> <p>20 Q. Excuse me?</p> <p>21 A. About three or four years.</p> <p>22 Q. Do you own your home?</p> <p>23 A. No.</p> <p>24 Q. Do you rent your home?</p> <p>25 A. No. It was my mother-in-law's home, and</p>

<p style="text-align: right;">Page 218</p> <p>1 <b>Q. And is Jeffrey -- and to your</b>  2 <b>understanding, Jeffrey is with a different law</b>  3 <b>firm?</b>  4 A. Yes.  5 <b>Q. And do you recall any part of the name of</b>  6 <b>Jeffrey's law firm?</b>  7 A. No. I might have a card or something.  8 Honestly I just don't remember his last name right  9 now.  10 <b>Q. And about -- and you retained Jeffrey or</b>  11 <b>his law firm?</b>  12 A. Right.  13 <b>Q. And approximately when did you retain</b>  14 <b>Jeffrey or his law firm?</b>  15 A. It might have been two or three months  16 after I was diagnosed.  17 <b>Q. Did you ever meet with Jeffrey in person?</b>  18 A. Yes.  19 <b>Q. How many times did you meet with Jeffrey?</b>  20 A. Once. Just once.  21 <b>Q. And did you retain Jeffrey during that</b>  22 <b>meeting?</b>  23 A. I believe so.  24 <b>Q. When -- and how long did Jeffrey continue</b>  25 <b>to represent you?</b></p>	<p style="text-align: right;">Page 220</p> <p>1 <b>Q. Now, we started talking about this because</b>  2 <b>you said that Jeffrey or his law firm may have made</b>  3 <b>claims with bankruptcy trusts.</b>  4 A. I think that's what they're called.  5 <b>Q. And when you say that's what they're</b>  6 <b>called, what are you thinking of?</b>  7 A. I know he filed something with -- oh,  8 gosh, I can't remember the name of the trust it was  9 because I received -- I did receive money from some  10 trust. And honestly I didn't see all the  11 paperwork, so I can't give you details.  12 MS. KAGAN: I can represent that it was  13 the Johns-Manville trust that her prior lawyer  14 filed a claim with.  15 THE WITNESS: I just trusted whatever they  16 had said. I just...  17 MS. KAGAN: I can represent that that's  18 the only trust that we're aware of that has been  19 filed with.  20 BY MS. SHAW:  21 <b>Q. What -- are you familiar with</b>  22 <b>Johns-Manville?</b>  23 A. I am now.  24 <b>Q. What do you know about Johns-Manville?</b>  25 A. I really don't know that much. I couldn't</p>
<p style="text-align: right;">Page 219</p> <p>1 A. Up until a few months ago.  2 <b>Q. Did you speak with Jeffrey on the</b>  3 <b>telephone after you met with him in person?</b>  4 A. Yes.  5 <b>Q. How many times did you speak with Jeffrey</b>  6 <b>on the telephone?</b>  7 A. It was either him or his assistant.  8 Usually his assistant would call. Sometimes he  9 would talk and sometimes he wouldn't.  10 <b>Q. And when you say "assistant," do you mean</b>  11 <b>another attorney?</b>  12 A. I don't know if it was another attorney or  13 if it was just an intern or what. I don't know.  14 <b>Q. So you have spoken with either Jeffrey or</b>  15 <b>someone from his law firm on a few occasions --</b>  16 A. Yes.  17 <b>Q. -- over the time that Jeffrey or his law</b>  18 <b>firm represented you?</b>  19 A. Right.  20 <b>Q. And when you say that Jeffrey represented</b>  21 <b>you until a few months ago, do you mean about June</b>  22 <b>of 2015?</b>  23 A. It could be. I think so. No. This is  24 July. June or July I guess. I totally lose track  25 of time. I'm just sorry.</p>	<p style="text-align: right;">Page 221</p> <p>1 even tell you what it was until -- and I still  2 don't really know what it was. They manufactured  3 something to do with obviously.  4 <b>Q. What do you think that Johns-Manville</b>  5 <b>manufactured?</b>  6 A. I don't know. I really don't.  7 <b>Q. Do you have any knowledge about how you</b>  8 <b>may have been exposed to asbestos in connection</b>  9 <b>with Johns-Manville?</b>  10 A. No.  11 MS. KAGAN: I'm going to object. Also,  12 Counsel, you're aware that filing to the  13 Johns-Manville Trust does not involve or require  14 exposure to asbestos from a Johns-Manville product.  15 It's based on a market share per diagnosis of  16 either mesothelioma, lung cancer or asbestosis. So  17 your question is misleading, it lacks foundation  18 and argumentative.  19 MS. SHAW: Thank you for the speaking  20 objection.  21 BY MS. SHAW:  22 <b>Q. Do you have any -- do you have any</b>  23 <b>knowledge as to what types of products</b>  24 <b>Johns-Manville may have made?</b>  25 A. No.</p>

<p style="text-align: right;">Page 222</p> <p>1 MS. KAGAN: Asked and answered.</p> <p>2 BY MS. SHAW:</p> <p>3 <b>Q. How much money did you receive from the</b></p> <p>4 <b>Johns-Manville Trust?</b></p> <p>5 A. \$20,000 around. Odd number, whatever it</p> <p>6 was.</p> <p>7 <b>Q. And do you have any paperwork in</b></p> <p>8 <b>connection with your filing with the Johns-Manville</b></p> <p>9 <b>Trust?</b></p> <p>10 A. I probably do. I don't -- I -- my husband</p> <p>11 might have kept something.</p> <p>12 <b>Q. We just ask that you retain any paperwork</b></p> <p>13 <b>in connection with your claim to the Johns-Manville</b></p> <p>14 <b>trust and not destroy it.</b></p> <p>15 A. Sure.</p> <p>16 <b>Q. If you understand that. Okay?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. Apart from the -- and when did you receive</b></p> <p>19 <b>the \$20,000 or thereabouts from the Johns-Manville</b></p> <p>20 <b>Trust?</b></p> <p>21 A. I don't remember.</p> <p>22 <b>Q. Are you aware of any other claims made to</b></p> <p>23 <b>bankruptcy trusts in connection with your illness?</b></p> <p>24 A. No.</p> <p>25 <b>Q. Have you received any payments of any kind</b></p>	<p style="text-align: right;">Page 224</p> <p>1 <b>about, have you retained any other lawyers or law</b></p> <p>2 <b>firms in connection with your illness?</b></p> <p>3 A. No.</p> <p>4 <b>Q. When you were first diagnosed with your</b></p> <p>5 <b>disease, did you talk with your husband about what</b></p> <p>6 <b>might have caused it?</b></p> <p>7 A. I'm sure we went over stuff together,</p> <p>8 sure.</p> <p>9 <b>Q. Did you say anything to your husband about</b></p> <p>10 <b>what you thought might have caused your disease?</b></p> <p>11 A. No. I had a hard time figuring it out.</p> <p>12 It was just -- it's just a mystery.</p> <p>13 <b>Q. Other than anything we've talked about</b></p> <p>14 <b>today, have you talked with anyone else about what</b></p> <p>15 <b>might have caused your disease?</b></p> <p>16 A. No.</p> <p>17 MS. SHAW: I think we're finished for the</p> <p>18 day. Thank you very much for your patience, ma'am.</p> <p>19 THE WITNESS: You're welcome.</p> <p>20 MS. KAGAN: Does anybody else have any</p> <p>21 questions?</p> <p>22 MR. KESSLER: No.</p> <p>23 MR. MARTINEZ: No.</p> <p>24 MS. KAGAN: Thank you so much. This</p> <p>25 concludes the defendants' discovery deposition of</p>
<p style="text-align: right;">Page 223</p> <p>1 <b>other than the \$20,000 from the Johns-Manville</b></p> <p>2 <b>Trust in connection with your illness?</b></p> <p>3 A. No.</p> <p>4 <b>Q. Why did you -- so at a certain point in</b></p> <p>5 <b>time Jeffrey or his law firm ceased representing</b></p> <p>6 <b>you; is that correct?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. And why did you choose to end your</b></p> <p>9 <b>retention of Jeffrey or his law firm?</b></p> <p>10 A. It was recommended by Jeffrey.</p> <p>11 MS. KAGAN: Again, I'm going to object to</p> <p>12 any further exploration.</p> <p>13 BY MS. SHAW:</p> <p>14 <b>Q. And when you ended your relationship with</b></p> <p>15 <b>Jeffrey or his law firm, did you retain another law</b></p> <p>16 <b>firm?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. And who did you retain?</b></p> <p>19 A. Leah's law firm.</p> <p>20 <b>Q. And how did you find Leah's law firm?</b></p> <p>21 A. It was referred to me.</p> <p>22 <b>Q. And who referred you to Ms. Kagan's law</b></p> <p>23 <b>firm?</b></p> <p>24 A. Jeffrey.</p> <p>25 <b>Q. Other than the lawyers that we've talked</b></p>	<p style="text-align: right;">Page 225</p> <p>1 Valerie Jo Dalis.</p> <p>2 THE VIDEOGRAPHER: The time is 5:15 p.m.,</p> <p>3 and today's deposition of Valerie Jo Dalis is</p> <p>4 concluded. This is the end of media unit number</p> <p>5 four in volume number one. There are a total of</p> <p>6 four media units. And we are off the record.</p> <p>7 (Whereupon the deposition was concluded at</p> <p>8 5:15 p.m.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

